IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 16487 of 2006

Date of Decision: 17.10.2006

Amarjeet Singh ... Petitioner

Versus

State of Punjab and others. .. Respondents

Coram : Hon'ble Mr. Justice J.S. Khehar,
Hon'ble Mr. Justice S.D. Anand.

Present : Mr. R.S. Manhas, Advocate,
for the petitioner.

J.S.Khehar,J.(Oral)

Through the present writ petition, the petitioner claims proficiency step up on completion of 16 years and 24 years of service under the Assured Career Progression Scheme. The claim raised by the petitioner was considered by the authorities, whereupon a speaking order dated 19.1.2006 (Annexure P/4) was passed, denying the benefit of proficiency step up to the petitioner. A perusal of the order dated 19.1.2006 reveals that on an examination of the annual confidential reports of the petitioner, it was found that he does not fulfill the minimum norms prescribed for the grant of proficiency step up. In the instant writ petition, the petitioner has placed the policy instructions regulating the grant of step up increment under the Assured Career Progression Scheme dated 25.9.1998 on the record of the case as Annexure P/1, the same reveals that for placement in a higher scale, proficiency step up under the aforesaid policy is to be granted only to those employees, whose overall service is adjudged as good. In the absence of any data placed on the record of this case depicting the record of the petitioner

during the period, he became entitled to the grant of proficiency step up on the completion of 16 years and 24 years of service, it is not possible for us to find any fault with the finding recorded in the impugned order.

It would, however, be pertinent to mention that learned counsel for the petitioner states that in the absence of communication of any adverse report to the petitioner, it would be implicit to presume, that all the annual confidential reports of the petitioner were graded as `Good'. It is not possible for us to accept the instant contention of the learned counsel for the petitioner, as `Average' reports in the State of Punjab are not considered as adverse, and as such, are not communicated to the employees of the State Government.

Additionally, learned counsel for the petitioner relying upon judgment rendered by the Apex Court in U.P. Jal Nigam Versus Prabhat Chandra Jain, AIR 1996, S.C., 1661, states that the reports granted earlier to him, were unilaterally down graded. There is no material on the record of this case to substantiate the instant claim of the petitioner, and as such, it is not possible for us to grant any relief to the petitioner on the basis of the aforesaid judgment of the Supreme Court.

For the reasons recorded above, we find no merit in this petition, which is, accordingly, dismissed.

(J.S. Khehar)
Judge

October 17, 2006 (S.D. Anand)
vkd Judge